

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MANUEL LARA ANDRADE,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-20-114-SLP
)	
NORTHERN DISTRICT OF)	
OKLAHOMA,)	
)	
Respondent.)	

ORDER

Petitioner, a federal prisoner appearing pro se, filed a Petition [Doc. No. 1] seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On April 29, 2020, United States Magistrate Shon T. Erwin entered a Report and Recommendation (R.&R.) recommending the Petition be dismissed without prejudice. Petitioner was advised that he could object to the R.&R. on or before May 18, 2020 and that failure to timely object could result in the waiver of his right to appellate review of the factual and legal issues raised. To date, no objection to the R. & R. has been filed nor has an extension of time in which to object been sought or granted. Upon review, the Court concurs with the analysis set forth in the R.&R.

IT IS THEREFORE ORDERED that the R. & R. [Doc. No. 13] is ADOPTED in its entirety and the Petition for Writ of Habeas Corpus is DISMISSED WITHOUT PREJUDICE.¹

¹ Because Petitioner is a federal prisoner, he does not need a certificate of appealability (COA) to appeal the dismissal of his § 2241 petition. *See Eldridge v. Berkebile*, 791 F.3d 1239, 1241 (10th Cir. 2015). Therefore, the Court need not consider whether to issue a COA in this case.

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IT IS SO ORDERED this 3rd day of June, 2020.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

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